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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,463	08/07/2000	Stephen J. Orr	0100.0001080	3449

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EXAMINER

NATNAEL, PAULOS M

ART UNIT PAPER NUMBER

2614

DATE MAILED: 01/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/633,463

Applicant(s)

ORR ET AL.

Examiner

Paulos M. Natnael

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 3, 6, 10, 12, 13, 15, 17 and 18.Claim(s) rejected: 1, 2, 4, 5, 7-9, 11, 14 and 16.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

MICHAEL H. LEE
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: the applicant is repeating the same arguments that have been responded to by the Examiner in previous Office Action. Specifically, the Applicant argues that Tamir et al do not disclose a zoom mode or beginning a zoom mode.

To reiterate, Tamir et al. discloses a sports event video manipulating system for manipulating a representation of a sports event, the sports editor including a video field grabber operative to grab at least one video field including a video image A/D converter to digitize a video field, an object tracker to track an object through a plurality of successive video fields, an object highlighter receiving input from the object tracker and to highlight the tracked object on each of the plurality of successive video fields. Although Tamir et al. do not specifically disclose a zoom mode at the beginning of the process of tracking an object, Tamir et al. disclose, "The tracking procedure takes into account the fact that there may be a change of magnification (zoom in and out) and of objects' poses through the succession of frames." (col. 10, lines 10-13) Tamir discloses that "For objects typically characterized by a bounding rectangle larger than 10.times.10 pixels, reliable feature detection is expected and the correlation tracking method usually has a better probability of success than the edge tracking technique. A combination of these tracking methods and others may also be used. The tracking procedure takes into account the fact that there may be a change of magnification (zoom in and out) and of objects' poses through the succession of frames." (col. 10, lines 5-13) When tracking the objects, Tamir also tracks whether there is a change of magnification, that is, whether the camera is zooming in on an object or zooming out of an object. This clearly indicates that the system of Tamir would employ a zoom mode or takes account of a zoom mode if need be. And when the system zooms out of an object, the Zoom Mode would logically be off. Therefore, it would have been obvious to those with ordinary skill in the art to modify the system of Tamir and provide a Zoom Mode at the beginning of the process in order to take account of the magnification (zoom in and out) as Tamir et al. clearly teaches.

Furthermore, nowhere does Tamir disclose or suggest that zooming onto an object would increase problems of tracking all the objects. This is applicant's own interpretation, not Tamir's teaching at all. The reference of Tamir et al teaches taking into account the fact that there may be a change in magnification or zooming in and out, and the Examiner's reliance on this passage for motivation is certainly in proper context, not out of context at all. Therefore, the Applicant's argument in this regard is unpersuasive.